

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

LEXON INSURANCE COMPANY,

Plaintiff,

-against-

JAMES C. JUSTICE II,

Defendant.

Civil Action No. 3:23-cv-00772

Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Barbara D. Holmes

**PLAINTIFF LEXON INSURANCE COMPANY'S NOTICE OF FILING OF EXHIBITS
IN SUPPORT OF PRE-TRIAL BRIEF**

PLEASE TAKE NOTICE THAT Plaintiff Lexon Insurance Company ("Lexon") hereby files the attached in support of Lexon's Pre-Trial Brief:

1. Attached as **Exhibit 1** is a true and correct copy of an email from Kim Marsilio to Jeremy Sentman, with an attachment, dated September 20, 2018, and bates-stamped LEXON-00003306–LEXON-00003335.

2. Attached as **Exhibit 2** is a true and correct copy of the Agreement by and between Lexon, Defendant, Beech Creek Coal Corporation ("Beech Creek"), and James C. Justice Companies, Inc., Southern Coal Corporation, Kentucky Fuel Corporation, Justice Family Group, LLC, and Mechel Bluestone, Inc. (collectively, the "Justice Companies"), dated March 26, 2018, and attached to the Complaint as Exhibit 3. (ECF 1.)

3. Attached as **Exhibit 3** is a true and correct copy of Amendment No. 1 to Agreement Dated March 26, 2018 by and between Lexon, Defendant, Beech Creek and the Justice Companies, dated February 4, 2019, and attached to the Complaint as Exhibit 4. (ECF 1.)

4. Attached as **Exhibit 4** is a true and correct copy of the Amended & Restated Limited Commercial Guaranty, dated February 4, 2019, and attached to the Complaint as Exhibit 1. (ECF 1.)

5. Attached as **Exhibit 5** is a true and correct copy of the Limited Commercial Guaranty, dated March 26, 2018 and attached to the Complaint as Exhibit 2. (ECF 1.)

6. Attached as **Exhibit 6** is a true and correct copy of the Notice of Default & Demand for Payment, dated October 12, 2020, and attached to the Complaint as Exhibit 7. (ECF 1.)

7. Attached as **Exhibit 7** is a true and correct copy of the Notice of Default & Demand for Payment, dated July 24, 2023, and attached to the Complaint as Exhibit 8. (ECF 1.)

8. Attached as **Exhibit 8** is a true and correct copy of an email from Stephen W. Ball to Brian Beggs, *et al.*, with an attachment, dated December 31, 2020, and bates-stamped JUSTICE003319–JUSTICE003321.

9. Attached as **Exhibit 9** is a true and correct copy of an email from Stephen W. Ball to Matthew Curran, *et al.*, with an attachment, dated July 27, 2023, and bates-stamped JUSTICE006464–JUSTICE006467.

10. Attached as **Exhibit 10** is a true and correct excerpt of the Deposition of Stephen W. Ball, dated April 10, 2024.

11. Attached as **Exhibit 11** is a true and correct excerpt of the Deposition of Jeremy Sentman, dated April 25, 2024.

12. Attached as **Exhibit 12** is a true and correct copy of an email from Kieran J. Moran to Brian Beggs, *et al.*, with an attachment, dated January 31, 2019, and bates-stamped LEXON-00003105–LEXON-00003108.

13. Attached as **Exhibit 13** is a true and correct copy of an email from Brian Beggs to James C. Justice III, *et al.*, dated March 30, 2020, and bates-stamped JUSTICE003017–JUSTICE003020.

14. Attached as **Exhibit 14** is a true and correct excerpt of the Deposition of James C. Justice III, dated April 26, 2024.

15. Attached as **Exhibit 15** is a true and correct copy of the March 30, 2020 Amended Surety Side Letter Agreement executed by and between Lexon, Defendant, Beech Creek, and the Justice Companies, and attached to the Complaint as Exhibit 5. (ECF 1.)

16. Attached as **Exhibit 16** is a true and correct copy of the premium tracking spreadsheet, bates-stamped LEXON-00008629.

Dated: July 28, 2025

Respectfully submitted,

/s/ Jason Halper

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 28, 2025, the foregoing document was filed via the Court's ECF system, which will send a notice of electronic filing to all ECF-registered counsel of record.

/s/ W. Brantley Phillips, Jr.